A review of private sector rented accommodation in the New Forest



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Foreword

As the national housing shortage plays an increasing role in policy priorities, Citizens Advice New Forest is acutely aware of the impact on local people. The combination of national and local changes to policies around housing allocations, Housing Benefit and the wider welfare reform agenda, all serve to restrict accommodation options for our clients. In particular, the increasing reliance upon the private sector represents a significant change, particularly for more vulnerable people.

Internally, our advice staff have regular updates and briefings to ensure we can give the best help to clients in the context of changing legislation. We work closely with local partners, particularly New Forest District Council, to ensure we are able to achieve the best outcomes for clients seeking advice.

The focused analysis in this report helps to illustrate the overall position for people reliant upon private sector accommodation - both in accessing housing; and in maintaining tenancies once they have somewhere to live.

The report also links with the national Citizens Advice "Settled and Safe" campaign, adding strength to the influence of our national service, where change to legislation is required. Success with the protection against "retaliatory evictions" demonstrates how powerful the collective voice of our service can be.

We believe this is a crucial issue across the New Forest and we look forward to tackling the issues raised in our report, working on an action plan with partners at a local level, and linking to the national campaign.

I would also like to add that, in selecting the topic of this report and carrying out the research, our Research & Campaigns Team has demonstrated how effectively a volunteer team with the right skills and insight can be used to produce useful and relevant outcomes. Additional work on the questionnaires and background information has also been undertaken by other volunteers, to ensure the data used is comprehensive and complete. Citizens Advice New Forest's ability to utilise capable and skilled volunteers is demonstrated by this valuable piece of work, which I recommend wholeheartedly.



Cup. Cup.

Andy Clapper Chief Executive Officer, Citizens Advice New Forest

Executive summary

There are significant barriers for households seeking to rent in the New Forest, particularly low income households.

We see the main barriers as:

- A shortage of rental properties generally, with virtually no properties available within the New Forest at rents which would be covered by the Local Housing Allowance (housing benefit).
- Local Housing Allowance for New Forest reflecting actual rental prices in Southampton, Bournemouth or Salisbury Broad Rental Market Areas, where the data is likely to be skewed to reflect the urban market position.
- Significant up-front costs for tenants taking on a new rental. As well as creating problems for people seeking to rent for the first time, these costs can also inhibit mobility within the sector.
- Lack of standardisation across letting agents as to disclosure of the fees and costs applying to tenants, making it difficult for prospective tenants to make comparisons across agents
- Increasing requirement for tenants to provide a guarantor – something that may be virtually impossible for many low-income households to do.
- Reluctance of local landlords to accept lowincome tenants who will be reliant on Local Housing Allowance to pay some of their rent ("No DSS"). We anticipate a hardening of the attitude to low-income renters with the introduction of Universal Credit. While some people will make payment of their rent their highest priority, others may find it difficult to manage a monthly budget and fall into rent arrears.
- Lack of awareness by private sector tenants on the assistance they can seek from the local Council if they have problems with the state of their rented property.

Other issues potentially affecting all tenants:

- Difficulties in getting landlords to accept responsibility for repairs and to get them fixed in a timely manner.
- Difficulties in agreeing the amount of security deposit to be returned at the end of a tenancy.
- Lack of understanding of tenants' rights and responsibilities.

What's the problem? The national perspective

In Britain, we have failed to build enough homes for decades; which means housing costs are rising – in the long term, we need more houses to be built.

This lack of supply, coupled with a shrinking social rented sector means that the number of households in the private rented sector (PRS) has rapidly expanded. The English Housing Survey found that there were 2.2 million private rented households in 2003 – just ten years later this figure had doubled to 4.4 million.

The increase in demand for private rented accommodation, coupled with restricted supply, has given landlords and their letting agents the upper hand in terms of rents and conditions.

- Private renters typically face high fees and payments in advance to secure a home.
- Low income renters and those who are unemployed face extra challenges. They may struggle to find decent housing at an affordable rent and then find that the landlord will not accept them as a tenant – just because they are getting Housing Benefit.
- The private rented sector also has a high proportion of poorly maintained accommodation. Nationally, over 37% of private rented properties in England are classified as "non-decent" compared to 25% of owner occupied and 20% of social rented homes.

What is Citizens Advice doing?

In 2015 115,000 people came to Citizens Advice bureaux across the country with problems with a privately rented home. That's 315 people every day, hit by issues from illegal eviction to harassment to lost deposits and struggles to secure the most basic repairs. And so Citizens Advice launched the Settled and Safe campaign to get improvements to the private rented sector.

Settled & Safe: A renter's rights

The national Citizens Advice campaign has five specific aims:

- 1. No renter should ever have to pay excessive and inexplicable fees for the basic services a letting agent provides.
 - We want to see an end to extortionate fees levied on renters by letting agents.
- 2. No renter should be at the mercy of rogue landlords who consistently break the rules, taking deposits unlawfully, harassing tenants or renting substandard homes.
 - We want to see all local authorities in England set up a register of landlords that tackles the specific problems in their area.
- 3. No renter should ever be left out of pocket after renting a home which proves to be dangerous or uninhabitable.
 - We want tenants to be entitled to rent refunds where the property they're living in is dangerous or not fit to live in.
- No renter should be evicted simply for complaining about bad conditions.
 We want to see an end to retaliatory evictions.
- 5. No renter should ever lose their home at a moment's notice.
 - We want all tenants to get reasonable notice before having to move out, even when caught up in a landlord's eviction.

The national campaign has already delivered some results:

- Since October 2015, tenants can complain about the state of their home in the knowledge that the law protects them from retaliatory eviction.
- The Housing & Planning Bill contains provisions to allow tenants to apply to Court for a rent repayment order when their landlord has failed to act on a property improvement notice.

But there is still much to be done to get renters a fair deal.

What's the position in the New Forest?

Citizens Advice New Forest operates from offices in Hythe, Totton, Lymington, New Milton, Ringwood and Fordingbridge. We see clients face to face in our offices and we also communicate with clients by telephone, email and web-chat.

Housing is high on the list of issues that our clients bring to us as shown in the analysis opposite. In view of this, we decided to carry out some supplementary research during 2015 into aspects of the private rented sector in the New Forest (the area of Hampshire falling within the ambit of New Forest District Council, including the New Forest National Park).

Our supplementary research included:

- A survey which clients, and others who rent their home, were invited to complete, either online or by hard copy.
- Desk research into the fees charged by letting agents to tenants renting in the New Forest.
- Comparison of actual rentals charged against the local housing allowance.

What our clients tell us

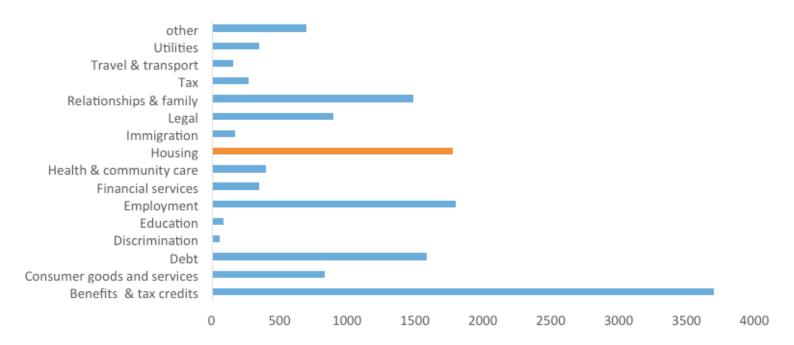
Our clients raise a number of housing-related issues with us. Of these, the highest proportion relates to private sector rented accommodation.

We find the following issues occur regularly:

- Shortage of supply and high rentals
- Difficulty in raising security deposit and advance rental payment
- Need for a guarantor
- Problems with repairs and maintenance especially damp/mould
- Interpretation of the tenancy agreement
- · Problems at the end of the tenancy

A few years ago we also had a number of cases where tenants were faced with summary eviction when they became caught up in repossession action being taken against their landlord. These cases are highly distressing. While this does not seem to be a current issue we are aware that it could easily return in a different economic climate.

Client issues handled by Citizens Advice New Forest during 2015



Housing issues in 2015



Private sector rental issues in 2015



Our survey of tenants

We ran a survey of tenants' experiences during the summer of 2015. We made paper questionnaires available in the waiting areas of each of our offices and also promoted an online version of the survey using Twitter and Facebook.

We received 174 responses to the survey, of which the majority were in the areas covered by the Hythe and Totton offices. The full results of the survey are set out at Annex A.

The major findings from the survey were:

- Two-thirds of respondents had a private landlord (the others rented from social landlords – either a housing association or the local council).
- Only 25% had found it 'fairly easy' to find property to rent in their preferred area.
- 72% of tenants had property that they considered to be in 'good' or 'OK' condition overall.
- But nearly two-thirds of tenants had cause to complain to their landlord (or the landlord's agent) about the condition of their property

 mainly the need for repairs, problems with heating or damp. Of these tenants, more than half considered that any repairs had not been completed satisfactorily.
- Around one third of tenants had problems with the up-front payments associated with renting.
 Nearly all of these tenants had difficulty raising a deposit and significant proportions had difficulty with references and/or guarantors.
- 42% receive Housing Benefit. Nearly three quarters of these people said that their Housing Benefit only covers part of their rent.
- Where respondents had experienced difficulties with their rental only 29% had contacted Citizens Advice for assistance.

Letting agents survey

We carried out our survey of local letting agents by online desk research and by "mystery shopping" by telephone.

The aims of the desk research were:

- To obtain information about the information readily available to prospective tenants in the private rented sector about the fees and costs they will incur at the start and end of a rental; and
- to ascertain the availability of 2-bedroom property to rent in the New Forest, the monthly rental costs of available property and how these costs compare with the maximum local housing allowance (housing benefit) for that type of property.

The telephone mystery shopping was used to gain insight into the agencies' attitudes towards people on Housing Benefit when their policy towards this was not expressly shown on their websites.

The main findings from our research were:

- Despite it being a regulatory requirement since 1 October 2015 for letting agents to show information about fees and charges on their websites (as well as in their offices), while most agents are complying, we noted that not all are.
- The quality of information shown by letting agents is very variable. While some now use a standardised format to set out the fees charged to tenants, others do not. This makes it difficult for tenants to compare costs between agents.
- It is not always clear whether or not the letting agents' fees include VAT.
- There is a shortage of property for rental in the New Forest.
- Private rentals in the New Forest are typically substantially more expensive than the Local Housing Allowance (LHA). At the time of surveying the letting agents, we identified only one 2-bed property with a rent within the LHA. On average, in New Milton (not the most expensive area in the New Forest) rental costs were some £131 per month over the maximum LHA for a 2-bedroom property.
- Many landlords refuse to accept tenants in receipt of benefits ("No DSS").

Exploration of issues identified

Availability of property and rental costs

The New Forest is not a cheap housing area. House prices are generally significantly higher than in the neighbouring urban areas of Southampton, Bournemouth and Salisbury. Wages within the area tend to be lower than in the neighbouring areas. Overall, house prices are estimated at 9 times earnings – against a national average of 6 times earnings.

Social housing is scarce, with new applicants for the New Forest District Council's Homesearch scheme expecting a long wait before they are successful in securing a Council or Housing Association property. For instance, 143 people recently applied for a 2-bedroom Council house in Lymington with a monthly rental of £480; the successful applicant not only had priority status but had registered for Homesearch in 2003.

The shortage of available social housing means that people wanting to rent in the New Forest must expect to rent in the private sector, at least to start with, even if they may eventually succeed in obtaining social housing.

This puts pressure on the private rented sector. The local supply in the private rented sector is scarce and, reflecting both house prices and market forces, pricey. At the same time as 143 people were competing for a 2-bedroom Council house in Lymington, the Rightmove website was showing only nine 2-bedroom properties (mostly flats) in Lymington, with monthly rentals varying from £750 to £1200.

The costs of renting a property

People wanting to rent their home may reasonably expect to focus on the affordability of the monthly rent, taken together with the expected other running costs (council tax, utilities, insurance and so on). This is particularly the case in a tight rental market where prospective tenants may be pressured into making a quick decision.

The "small print" may then deliver a nasty shock to the prospective tenant. Not only is there a requirement for a security deposit but the rent is typically required to be paid monthly, in advance.

On top of this, there are fees payable to the letting agent. Some letting agents will also demand a reservation fee up-front ("just to show you're serious").

Most letting agents will levy a set-up fee to cover the costs associated with a new tenancy. We found that some letting agents levy a single set-up fee intended to cover most tenancies, including referencing and immigration checks for two tenants, negotiation and preparation of the tenancy agreement, and the checking-in process. Extra fees are then charged for non-standard things such as additional tenants, pets and guarantor referencing. Other agents, though, seem to have a bewildering menu of charges and it can be unclear which charges apply and what they are intended to cover. This approach is far from transparent and can make it difficult for tenants to understand what up-front costs they will need to find.

The up-front fees and costs for tenants are significant. Not only can these create a barrier to people seeking to rent for the first time, but we consider that they also impede mobility within the private rented sector by making it expensive for tenants to move from one property to another.

For instance, for 2 people renting a property together, as well as set-up fees typically in the range £240 - £400 (assuming no guarantor), the tenants need also to find the security deposit (typically one and a half months' rent) plus one month's rent in advance. For a 2-bed property renting at £800 per month, this means that the prospective tenants need to find at least £2,400 upfront – on top of the other costs associated with moving home. This is a substantial sum.

It is worth noting that, in Scotland, regulations prohibit letting agents from charging fees for administration. It is not yet clear whether or not this has fed through to higher monthly rental costs.

Local Housing Allowance (LHA)

Local Housing Allowance (LHA) is housing benefit paid to private sector tenants.

The amount of LHA that a household can claim depends on:

- · The household's income and capital;
- The household's size and composition (this determines the type of property that the household would be expected to rent – for instance, a 3-bed property (family with teenage boy and girl) or a 1-bed property (couple with no children); and
- · The maximum LHA for the area.

The LHA is generally paid by the local council to the tenant, who is then responsible for paying the landlord (or the landlord's agent).

The maximum LHA is set by Valuation Office Agency (VOA) Rent Officers and is updated each financial year.

The VOA determines Broad Rental Market Areas (BRMAs) and sets LHAs for these – reflecting the 30th percentile of actual rents surveyed in the BRMA. According to gov.uk, a BRMA is "where a person could reasonably be expected to live taking into account access to facilities and services".

New Forest does not have its own LHA. The areas served by our offices in Totton, Hythe and Lymington generally fall within the Southampton BRMA while New Milton falls (just) within the Bournemouth BRMA and Ringwood falls within the Salisbury BRMA.

The current LHA for the Southampton BRMA reflects analysis carried out by the VOA using data from the 2001 census and assumes some 23,000 rented properties across the whole of the Southampton BRMA, of which rental price information would be collected for a sample of around 15%. For 2015-16, the LHA for the area for a 2-bedroom property is £156.38 per week (£678 per calendar month). The LHA for 2016-17 has been frozen at the 2015-16 rate.

Guarantors

We understand that a guarantor is typically sought where a prospective tenant has a regular income of less than 30 times the monthly rental. So, for our typical 2-bed property renting at £800 per month, the tenants will need to produce a guarantor unless they can demonstrate an annual income of at least £24,000.

Taking on the role of guarantor is not something to be assumed lightly, particularly where the tenants are renting as friends, rather than as partners. A parent may see acting as guarantor for their son or daughter and their family as something expected of "the bank of mum and dad". But they may be very wary of potentially being pursued for rent unpaid by their son or daughter's fellow tenant(s). As one client told us – "I just can't take the risk. I don't know anything about the parents of these girls who will be renting with my daughter. I can't do anything to prejudice my ability to carry on paying my mortgage – I need to think about my wife and my other children."

The requirement for a guarantor can put a prospective tenant into a "catch 22" situation. Low income people are clearly more likely to require a guarantor. But low income people often come from low income families who would not meet the criteria to act as guarantor.

Where a guarantor is prepared to act, letting agents charge a referencing fee. We found that some also levy additional fees just to include the guarantor in the tenancy agreement. The overall costs associated with a guarantor seem to vary from around £30 to well over £100.

Tenants in receipt of housing benefit

Most letting agents give no indication on their websites about their willingness to accept tenants who would be reliant on housing benefit (local housing allowance) to pay part of their rent.

In discussion, letting agents confirm that it is for individual landlords to decide whether or not to accept tenants in receipt of benefits. But it seems that the majority of landlords will not accept housing benefit tenants.

On the assumption that the exclusion of housing benefit tenants is indicative of a fear that such tenants are more likely to get into arrears, we anticipate a hardening of attitude to housing benefit tenants with the introduction of Universal Credit. This is because, under Universal Credit, individuals will receive a single monthly payment covering all their benefits. If they do not have the financial capability to budget and manage their money properly there is an increased risk of their going into rent arrears.

Repairs and maintenance

While the landlord's responsibilities for repairs and maintenance should be set out in the tenancy agreement, the terms of the tenancy agreement cannot take away the landlord's responsibilities in law (Landlord and Tenant Act 1985). So, as a minimum, it is the landlord's responsibility to maintain the structure and exterior of the property, the plumbing and wiring and any fitted heating appliances.

The tenant has responsibilities too – they are expected to behave in a "tenant like" way and to report to the landlord the need for repairs. Behaving in a "tenant like" way means things like keeping the house clean, using appliances correctly, doing minor repairs (for instance, changing light bulbs) and not damaging the property.

Our survey confirmed what we see in our casework – while some landlords carry out repairs to the satisfaction of their tenants, others don't. In our casework, we also see tenants feeling that they are stuck at the "complaint" stage – they complain to the letting agent, they are then told that the matter has been referred to the landlord and then, nothing. This is not satisfactory – the tenant must be clear who to complain to and be confident that person will take responsibility for getting things done. If complaints are to go to the letting agent, then the agent should have the landlord's authority to manage the letting. They cannot duck the matter on the basis (for instance) that the landlord is on holiday for the next couple of weeks.

Complaints about condensation, damp and mould are common, particularly in the winter. This is a difficult area and one where landlords (or their agents) should probably take time to ensure their tenants are aware of how their particular property needs to be handled so as to avoid unnecessary complaints. For instance, some properties may be problematic if subjected to high levels of humidity (such as washing drying on the radiators) and this is not balanced by additional ventilation. On the other hand, some properties have design or construction shortcomings, such as cold spots or inadequate damp-proofing or are in need of repairs to rainwater goods. Any of these issues are likely to exacerbate potential problems with damp and mould and the landlord should not be seeking to avoid having to take action.

A significant proportion of complaints about repairs and maintenance occur, though, around the end of the tenancy.

Interpretation of the tenancy agreement

New tenancies in the private rented sector are generally structured as Assured Shorthold Tenancies with either a six-month or twelve-month fixed period. Following the fixed period, agreements typically provide for tenancies to continue on a rolling basis, subject to (say) one month's notice.

Some problems seem to be due to either the landlord or tenant failing to observe the terms of the tenancy agreement and we do wonder if letting agents (or landlords) are taking sufficient care to ensure that tenants fully understand the responsibilities of both parties to the contract. We have also seen problems where the letting agent promises changes to the contract which they are not able to deliver (see Case study 3).

New Forest: Case study 3

Freda wants to rent a property for herself and her two cats. She has found a flat she likes. Although the landlord has specified "no pets", the letting agent says that Freda can pay an extra security deposit and all will be okay. On this basis, Freda signs up and moves in to her new flat. Shortly after, the management company of the flats complain to Freda's landlord that she is in breach of the terms of the lease – two cats are not permitted.

The letting agent must be clear as to what they can and can't do. In this case, the agent appears to have exceeded their authority and it would seem reasonable for them to compensate Freda for the extra costs of having to move again.

The circumstances in which the tenancy agreement may be terminated by the tenant are sometimes not understood or, alternatively, may be exploited by a bad landlord. If a tenant decides, part-way through a sixmonth tenancy, that they would like to live somewhere else, they are generally liable for the rent for the full six months unless the tenancy agreement includes a break clause. So, a tenant who is having ongoing problems with his or her landlord (whether in relation to repairs or something else) may feel trapped by the contract. Of course, the landlord may agree an early termination. Where this occurs, it is essential for the tenant to understand exactly what the landlord has agreed to and, specifically, what is their financial liability.

Problems can also arise when tenants give notice during the periodic phase of the tenancy. Unsurprisingly, tenants may think "one month's notice" means just that. But it typically has to run to a rent day – so, in practice, might be anything from one to almost two months from now.

Problems at the end of the tenancy

Many problems seem to occur at the end of the tenancy and often at the end of what the tenant has perceived to be a long and good relationship with their landlord.

From the tenant's perspective, they have been a good tenant, they have paid their rent on time, looked after the property and decorated it from time to time. They then give notice to leave and matters go wrong. Typically, there is a disagreement over the state of the property, with the landlord seeking to argue "disrepair" rather than acknowledging reasonable "wear and tear". The landlord then refuses to authorise the release of part, or all, of the tenant's security deposit. The tenant generally needs the deposit refunded to re-use as deposit on their new property and this can make them susceptible to being pressured into agreeing a partial retention of the deposit by the landlord rather than waiting for the dispute resolution process of the landlord's deposit protection scheme to run its course.

Letting agent fees can also arise as an issue at the end of the tenancy, with some agents charging for "check out" and also for providing a reference to a new landlord.

Next steps

We believe that our research, presented within this report, illustrates the difficult position for people in the New Forest reliant upon private sector accommodation and that raising awareness of this is a vital step towards addressing the problems described. We will make this report available to interested agencies locally and also, as appropriate, nationally.

However, whilst in the course of their routine work, our advisers can help individuals with specific problems, Citizens Advice New Forest has neither the resources nor powers to address the underlying problems. To do this, we need to share our findings with others and identify practical and sustainable solutions.

So, no recommendations here but a commitment to work with partners, and most notably New Forest District Council, to develop an Action Plan specific to the needs of private renters in the New Forest.

We will follow-up in 12 months with a review report to evaluate progress.

Annex A: Rental survey results

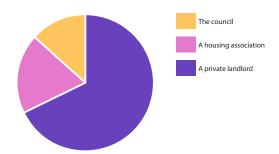
We had 168 responses to the survey.

Respondents were located as follows:

- 30% Totton
- 23% Hythe
- 13% Lymington
- 7% Ringwood
- 7% New Milton

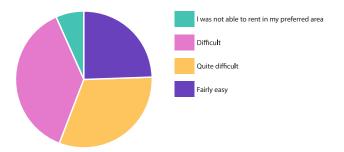
Do you rent (or have you rented in the last 12 months) from:		
Answer options	Response percent	Response count
A private landlord	67.9%	114
A housing association	19%	32
The council	13.1%	22

Answered question: 168 | Skipped question: 0

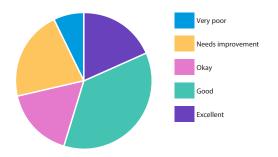


How easy was it to find a suitable rent in your preferred area?		
Answer options	Response percent	Response count
Fairly easy	24.7%	41
Quite difficult	31.3%	52
Difficult	37.3%	62
I was not able to rent in my preferred area	6.6%	11

Answered question: 166 | Skipped question: 2



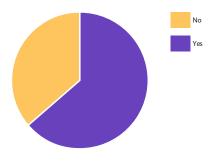
What is the condition of your rented property?		
Answer options	Response percent	Response count
Excellent	18.5%	31
Good	36.3%	61
Okay	16.7%	28
Needs improvement	21.4%	36
Very poor	7.1%	12
Answered question: 168 Skipped question: 0		



Have you ever complained to your landlord/letting agency, housing association or council about repairs or the condition of your property?

Answer options	Response percent	Response count
Yes	63.7%	107
No	36.3%	61

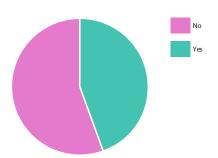
Answered question: 168 | Skipped question: 0



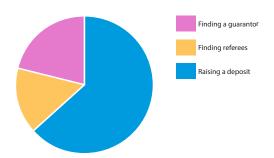
If you answered 'yes', why?		
Response percent	Response count	
53.8%	57	
29.2%	31	
38.7%	41	
25.5%	27	
	53.8% 29.2% 38.7%	

Answered question: 108 | Skipped question: 62

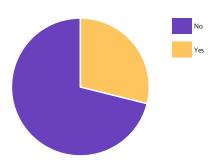
Were the repairs completed satisfactorily?		
Answer options	Response percent	Response count
Yes	44.6%	45
No	55.4%	56
Answered question: 101 Skipped question: 67		



Do you have any problems with the following? (Tick all that apply)		
Answer options	Response percent	Response count
Raising a deposit	93.4%	57
Finding referees	23%	14
Finding a guarantor	31.1%	19
Answered question: 101 Skipped question: 67		



If you receive Housing Benefit (or Local Housing Allowance), does it match your rent?		
Answer options	Response percent	Response count
Yes	29.1%	23
No	70.9%	56
Answered question: 79 Skipped question: 89		



Annex B: Local housing allowance rates

These are the LHA rates from 1 April 2016

Bournemouth		
	Per week	Per month
Shared rate	£65.48	£283.75
1 bedroom	£123.58	£535.51
2 bedrooms	£153.02	£663.09
3 bedrooms	£188.79	£818.09
4 bedrooms	£253.15	£1,096.98

Salisbury		
	Per week	Per month
Shared rate	£67.84	£293.97
1 bedroom	£115.07	£498.64
2 bedrooms	£143.84	£623.31
3 bedrooms	£172.60	£747.93
4 bedrooms	£228.99	£992.29

Southampton		
	Per week	Per month
Shared rate	£67.87	£294.10
1 bedroom	£116.53	£504.96
2 bedrooms	£156.38	£677.65
3 bedrooms	£184.49	£799.46
4 bedrooms	£242.40	£1,050.40

Source: gov.uk

The rates are unchanged from those applying for the financial year 2015/16

Annex C: References

www.publications.parliament.uk/pa/cm201516/cmpublic/housingplanning/memo/hpb107.htm

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Department for Communities and Local Government Report

Local Allowance Housing rates

www.acorncommunities.org.uk/what_we_do

Legal aid for disrepair (Citizens Advice internal site)

Department for Communities and local government tackling bad practice Improving the Private Rented Sector and Tackling Bad Practice.



newforestcab.org.uk Free, confidential advice. Whoever you are.

We help people overcome their problems and campaign on big issues when their voices need to be heard.

We value diversity, champion equality, and challenge discrimination and harassment. We're here for everyone.





